

11-15-99

# Plan of Operation

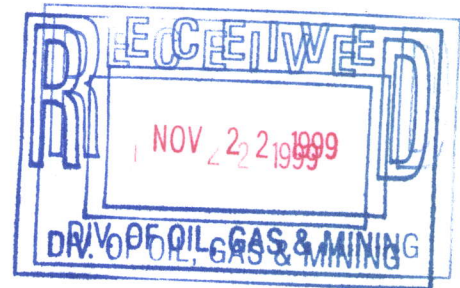
5/053/057  
U+U-78488

Bureau of Land Management  
Dixie Resource Area

NOV 16 1999

**RECEIVED**

(I) Eugene Hodges  
385 N State St  
Laverkin, Utah  
84745  
phone # 435-635-8106



(2) Same

(3) Claim names: Mesa 2-3-4  
Yode claims

NO 2 U.M.C. 366551

haven't received 3-4 U.M.C.

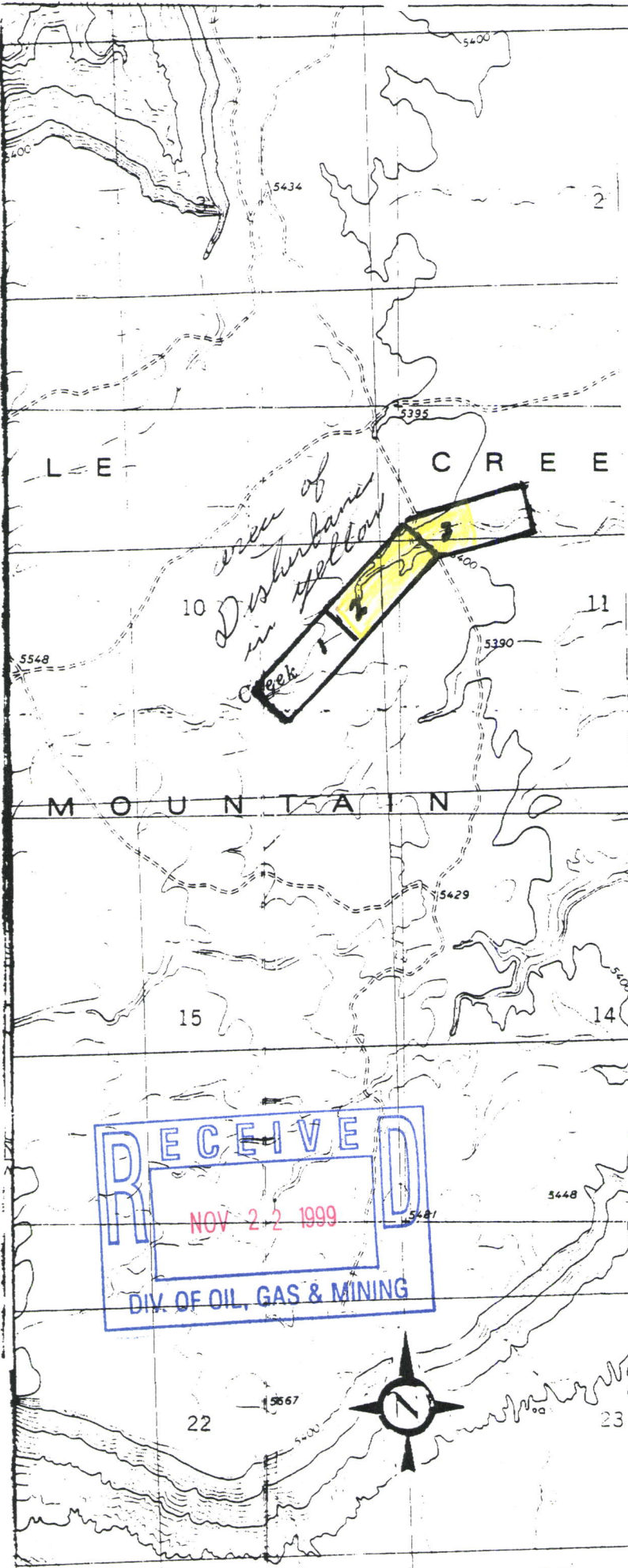
Section 10-11 Range 12 West  
Township 43 South

(4) November 15 1999 - November 15 2000  
Access route are already established  
there existing roads. Removing  
loose rock & exposed rock  
to top soil to be removed

(5) There shouldn't be any  
reclamation no top soil or  
trees will be removed  
we will keep land clean  
of trash

(6) map provided

Thank you  
Eugene Hodges



## LOCATION NOTICE - LODE CLAIM

Notice is hereby given that the undersigned locate... and claim... the following described piece of mineral bearing ground as a LODE claim. From this discovery monument

20 feet in a North East direction and 1480 feet in a South West direction and 300 feet on each side of the middle of the vein or a claim 600 feet by 1,500 feet in size.

General course of the vein or claim is North East and South West

and this claim shall be known as the mesa

NO 2 Lode Claim, situated in the Unknown Mining District, County of Washington State of Utah

This claim is located about SE And NE 1/4 Section 10 NW 1/4 Sec. 11 R-12-W T-43-S

South Lake Basin Meridian

IF IN AN UNKNOWN MINING DISTRICT, STATE ON ABOVE DISTANCE CLAIM IS FROM SOME NATURAL LANDMARK, TOWN, RANCH OR ANY OTHER OBJECT READILY IDENTIFIED.

Dated this 2 day of September, 1999

Eugene Hodges P.O. 997  
Eugene Hodges Bellevue WA 98005  
Locator Address

Witness:

Witness:

## H-9235-1 - MINERAL MATERIAL TRESPASS PREVENTION AND ABATEMENT

b. Use Authorizations. Unauthorized use may be legalized, following resolution of the trespass, under a use authorization if the use is consistent with or does not conflict with BLM plans and management programs. Satisfactory arrangements for settlement of trespass liability must usually be completed prior to authorizing any continued use.

Continued operation may be allowed for a short-term on an interim basis, following liability payment, to prevent unnecessary shutdown in operations and provide the BLM time to arrive at a decision to terminate or to authorize the use. In arriving at this decision the authorized officer should consider the nature of the trespass, the trespassers past record, and the effect authorization may have on deterrence of future trespass. Authorizations should be structured so that they do not reward trespassers or create incentives for further trespass. See also Chapter VI - Mineral Material Trespass Resolution.

D. Processing of Mining Claim Plans and Notices Under 43 CFR 3809 Regulations for Suspected Common Variety Minerals.

1. Processing of Plans Under 43 CFR 3809 Regulations. Prevention of mineral materials trespass should be considered during processing of a Plan of Operation (POO). For post-July 23, 1955, mining claims processing of a POO submitted for claims suspected by the BLM to be located for common variety minerals needs to be held in abeyance until the issue of locatability of the mineral in question is resolved. In Southwest Resource Council, 96 IBLA 105, 124 (1987), the Interior Board of Land Appeals approved the suspension of a POO pending the outcome of contest proceedings.

When a Plan of Operation is submitted to the BLM under the 3809 regulations for suspected common variety minerals located on or after July 23, 1955, we will not approve the POO until a determination has been made on whether the subject mineral is locatable or salable. Advise the mining claimant and operator, if other than claimant, that they may be mining mineral materials (salable minerals) under the auspices of the mining law and that the BLM will conduct a common variety determination on the claims and investigate the validity of the claims. If there is good rationale to believe that the mineral is a common variety, inform the claimant/operator that the material should be purchased. Explain procedures for purchasing the material from the BLM under the Materials Act of 1947, including the need to relinquish the claim. When explaining the rationale for your opinion that the material is common, cite McClarty v. Secretary of Interior, 408 F. 2d. 907, 908 (9th Cir. 1969), and the test for common/uncommon varieties. Uncommon varieties must meet the following criteria:

- a. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
- b. The mineral deposit in question must have a unique property;
- c. The unique property must give the deposit a distinct and special value;
- d. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use;



## H-9235-1 - MINERAL MATERIAL TRESPASS PREVENTION AND ABATEMENT

e. The distinct and special value must be reflected by the higher price which the material commands in the market place, or by reduced cost or overhead so that the profit to the claimant would be substantially more.

2. Options for Plan Approval. If the operator is still interested in mining the material and insists on the locatability of the subject mineral, he will be given the following options:

a. The BLM will suspend consideration of the POO pending the outcome of a mineral examination or contest proceedings. The BLM will allow the performance of any operations that are necessary (including assessment work) for timely compliance with requirements of Federal and State laws (see 43 CFR 3809.1-6(d)).

b. The BLM will continue with processing the POO provided the operator is willing to establish an escrow account for the appraised value of mineral removed. The operator must make regular payments to the escrow account in a manner similar to payments under 43 CFR 3610. The moneys in the escrow account will be disbursed to the operator or to the U.S. Treasury based on the final determination on whether the mineral is locatable or salable.

3. Validity Determinations. The BLM will examine the claims and prepare a mineral report to determine whether the mineral is common variety (and therefore salable) or uncommon variety (and therefore locatable). This determination will be done within 90 days. If it is determined that the mineral deposit is common variety, then a validity determination will be conducted, and a contest complaint will be issued. The operator should be advised that pending the outcome of the contest, the BLM will allow the following types of actions:

a. The performance of operations that are necessary, including assessment work for timely compliance with the requirements of Federal and State laws.

b. Continued processing of the POO by the BLM, with conditional approval if appropriate, provided that the operator establishes an escrow account in an approved federally insured financial institution, or a BLM suspense account, and faithfully makes payments at the BLM's appraisal rate for minerals to be mined and disposed. Failure to make continued payments may be cause for suspension of the POO's conditional approval.

The operator should be advised that removal of mineral materials without an approved POO will be considered a willful trespass. The operation might also be subject to Title 18 criminal code violations for theft of government property, 43 CFR 8365 unauthorized destruction of natural features, and 43 U.S.C. 1733(g), unauthorized use, occupation or development.

For pre P.L. 84-167, (30 U.S.C. 611 et seq.), mining claims the policy will apply if determination has been made that the claimant does not have the right to remove the mineral materials.